

City of West Linn
PRE-APPLICATION CONFERENCE MEETING
SUMMARY NOTES
January 15, 2015

SUBJECT: Proposed second floor addition to house at 5095 Territorial Drive triggering Non-Conforming Structure and Class II Variance permits

FILE: PA-15-02

ATTENDEES: Applicant: Richard Kersey, Kerry O'Donnell, Andy Stember
Staff: Peter Spir (Planning)

The following is a summary of the meeting discussion provided to you from staff meeting notes. Additional information may be provided to address any "follow-up" items identified during the meeting. These comments are PRELIMINARY in nature. Please contact the Planning Department with any questions regarding approval criteria, submittal requirements, or any other planning-related items. Please note disclaimer statement below.

Site Information

Site Address: 5095 Territorial Drive
Tax Not No.: tax lots 1100 of Assessor's Map 22E30DC
Site Area: 6,667 square feet
Neighborhood: Bolton
Comp. Plan: Medium density residential
Zoning: R-5 (Single family residential attached and detached / 5,000 square foot minimum lot size)
Applicable code: CDC Chapter 66: Non-Conforming Structure
CDC Chapter 75: Class II Variance
CDC Chapter 13: R-5

Project Details: The applicant proposes an 880 square foot upper level addition above the existing kitchen and garage.

The existing house, built circa 1984, is a non-conforming structure in that it is 11 feet from the front property line. The R-5 zone requires a 20 foot setback. Thus a Non-Conforming Structure permit is required.

The allowable Floor Area Ratio in the R-5 zone is .45 for non-Type I and II lands or .3 for the entire lot including type I and II lands. The largest permitted FAR is 2,000 square feet (6,667 X .3). The existing main floor (exclusive of garage) comprises 1,280 square feet. (The basement square footage does not count since it is below grade. Decks also do not count in the FAR.) The proposed second floor of 880 square feet would exceed the permitted FAR. To remedy that, the

applicant could either reduce the second floor addition to 720 square feet or apply for a Class II Variance.

Process

For the Non-Conforming Structure permit, address the submittal requirements and provide responses to the approval criteria of CDC Chapter 66.080(B) (2) (a-b). There is a fee of \$1,000. For the Class II Variance, address the submittal requirements of CDC Chapter 75.050 and 75.060 and provide responses to the approval criteria of CDC Chapter 75.020(B) (1). There is a fee of \$2,900.

N/A is not an acceptable response to the approval criteria. The submittal requirements may be waived, but the applicant must first identify the specific submittal requirement and request, in letter form, that it be waived by the Planning Manager and must identify the specific grounds for that waiver.

No neighborhood meeting is required per CDC 99.038.

Once the application and deposit/fee are submitted, the City has 30 days to determine if the application is complete or not. If the application is not complete, the applicant has 180 days to make it complete or provide written notice to staff that no other information will be provided. Once the submittal is deemed complete, a hearing with the Planning Commission will be scheduled. Appeals of Planning Commission decisions are heard by City Council. If the variance is not applied for, the Non-Conforming Structure permit would be decided by the Planning Director with no hearing.

Pre-application notes are void after 18 months. After 18 months with no application approved or in process, a new pre-application conference is required.

Typical land use applications can take 6-10 months from beginning to end.

DISCLAIMER: This summary discussion covers issues identified to date. It does not imply that these are the only issues. The burden of proof is on the applicant to demonstrate that all approval criteria have been met. These notes do not constitute an endorsement of the proposed application ***or provide any assurance of potential outcomes.*** Staff responses are based on limited material presented at this pre-application meeting. New issues, requirements, etc. could emerge as the application is developed. ***A new pre-application conference would have to be scheduled one that period lapses and these notes would no longer be valid. Any changes to the CDC standards may require a different design or submittal.***